

METROPOLITAN DEVELOPMENT COMMISSION

DOCKET NO. 89-AO-3

CITY-COUNTY ORDINANCE NO. , 1989.

ZONING ORDINANCE 89-AO-3

AMENDING

THE COMPREHENSIVE ZONING MAPS

OF

MARION COUNTY, INDIANA

AN ORDINANCE to amend Marion County Council Ordinance No. 8-1957, as amended, the Marion County Master Plan Permanent Zoning Ordinance, as amended, the zoning ordinance for Marion County, Indiana, and fixing a time when the same shall take effect.

WHEREAS, I.C. 36-7-4 establishes the Metropolitan Development Commission of Marion County, Indiana, ("Commission") as the single planning and zoning authority for Marion County, Indiana, and empowers the Commission to approve and recommend to the City-County Council of the City of Indianapolis and of Marion County, Indiana ("Council") ordinances for the zoning and districting of all lands within the county for the purposes of securing adequate light, air, convenience of access, and safety from fire, flood, and other danger; lessening or avoiding congestion in public ways; promoting the public health, safety, comfort, morals, convenience, and general public welfare; and otherwise accomplishing the purposes of I.C. 36-7-4; and,

WHEREAS, the Commission and the Council have adopted ordinance 89-AO-2, the Dwelling Districts Zoning Ordinance of Marion County, Indiana, in order to accomplish the purposes set forth above and specifically to address the needs of both the home building industry and neighborhoods in creating an ordinance which meets the long term residential needs of the City and the County as a whole; and,

WHEREAS, in creating such an ordinance, the Commission and the Council desired, among other things, to consolidate all zoning districts, classifications, and applicable permitted uses and standards pertaining to agricultural and forestry uses that had been previously found in the two sections of the Marion County Master Plan Permanent Zoning Ordinance, adopted November 12, 1948, as amended, were still in force into the newly adopted Dwelling Districts Zoning Ordinance; and,

WHEREAS, in order to accomplish the consolidation of zoning districts noted above, the Commission and the Council have created the D-A (Dwelling-Agricultural) District as a successor district to the A, A-1, A-2 (Agricultural) Districts and the F (Forestry) District of the Marion County Master Plan Permanent Zoning Ordinance, allowing within the newly created D-A (Dwelling-Agriculture) District all uses that had been provided for in the Agricultural and Forestry Districts; and,

WHEREAS, such a consolidation requires the rezoning of certain lands within Marion County, and the Commission and the Council have concluded that such rezoning of land will promote the public health, safety, comfort, morals, convenience, and general public welfare;

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF
THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. That Marion County Council Ordinance No. 8-1957, adopted by the Marion County Council on March 28, 1957, and subsequently amended pursuant to I.C. 36-7-4, and the COMPREHENSIVE ZONING MAPS OF MARION COUNTY, INDIANA, adopted as an amendment thereto by ZONING ORDINANCE 70-AO-4 and subsequently amended, be further amended by the adoption of the COMPREHENSIVE ZONING MAPS, (which COMPREHENSIVE ZONING MAPS, are attached hereto, incorporated herein by reference and made a part of this ordinance), reclassifying all land within Marion County, Indiana designated on the COMPREHENSIVE ZONING MAPS in the A, A-1 or A-2 Agricultural Districts, and the F, Forestry District classifications, to the D-A, Dwelling-Agricultural District of the Dwelling Districts Zoning Ordinance, adopted by the Council as Ordinance 89-AO-2, thereby updating said COMPREHENSIVE ZONING MAPS.

Provided, however, this rezoning shall not supersede, amend or repeal any individually initiated rezoning ordinances approved by the Commission and the Council subsequent to September 2, 1987, and thereafter legally effective (which rezonings by individual legal description have not been mapped and included upon the COMPREHENSIVE ZONING MAPS, as amended, but shall be so included upon said MAPS in subsequent amendment hereto).

Provided further, however, this rezoning shall not supersede, amend or repeal AIRSPACE DISTRICT ZONING ORDINANCE (62-AO-2, as amended) and the AIRSPACE DISTRICT MAP adopted as a part thereof, establishing the AIRSPACE DISTRICT as a secondary zoning district of Marion County, Indiana.

Provided further, however, this rezoning shall not supercede, amend or repeal FLOOD CONTROL DISTRICTS ZONING ORDINANCE (71-AC-3, as amended) and the FLOOD CONTROL DISTRICTS MAPS adopted as a part thereof, establishing the FLOOD CONTROL DISTRICTS as secondary zoning districts of Marion County, Indiana.

Provided further, however, this rezoning shall not supersede, amend or repeal GRAVEL-SAND-BORROW DISTRICT ZONING ORDINANCE (65-AO-3) and the GSB (Gravel-Sand-Borrow) designations adopted pursuant thereto as a secondary zoning district.

SECTION 2. If any provision or clause of this ordinance or the application thereof to any person or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect other ordinance provisions or clauses or applications thereof which can be implemented without the unconstitutional or invalid provision, clause or application, and to this and the provisions and the clauses of this ordinance are declared to be severable.

CITY-COUNTY COUNCIL OF THE CITY OF
INDIANAPOLIS AND OF MARION COUNTY,
INDIANA

President (or Presiding Officer)

Date: _____

Attest: _____
Clerk